

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NEW YORK

ASCENTIVE, LLC,

Plaintiff,

v.

OPINION CORP. d/b/a  
PISSEDCONSUMER.COM, MICHAEL  
PODOLSKY, JOANNA SIMPSON, and  
ALEX SYROV,

Defendants.

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: Civil Action No. 1:2010-cv-04433  
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ORDER GRANTING PLAINTIFF'S MOTION  
FOR A PRELIMINARY INJUNCTION

AND NOW this 24<sup>th</sup> day of Nov. 2010, upon consideration of the motion

for preliminary injunction of plaintiff Ascentive, LLC ("Ascentive"), and the response of  
defendants Opinion Corp. d/b/a PissedConsumer.com, ~~Michael Podolsky, and Alex Syrov~~  
("Defendants"), if any, and after a hearing, if any, and having determined that;

1. ~~Ascentive will suffer immediate and irreparable harm if defendants Opinion Corp. d/b/a PissedConsumer.com, Michael Podolsky and Alex Syrov are permitted to continue to: (1) use Ascentive's trademarks in commerce and in connection with advertisements displayed on the website PissedConsumer.com; and (2) encourage the display of negative content at Ascentive.PissedConsumer.com and FinallyFast.PissedConsumer.com as part of its racketeering scheme and commercial bribery, attempted commercial bribery, extortion and attempted extortion of Ascentive;~~

2. Ascentive is likely to succeed on the merits of its claims of racketeering under the civil Racketeering Influenced and Corrupt Organizations Act, 18 U.S.C. § 1962(c) and (d), based on predicate acts of extortion and/or commercial bribery; trademark infringement; unfair

competition; unfair acts and practices; false designation of origin; and/or tortious interference with contractual and prospective contractual relations, or a serious question goes to the merits of its claims to make them a fair ground for trial;

3. Ascentive lacks an adequate remedy at law;
4. The balance of hardships tips in Ascentive's favor; and
5. The public interest weighs in favor of the requested relief; \*

IT IS HEREBY ORDERED that the motion is ~~GRANTED~~ *Denied*

~~PissedConsumer and its officers, partners, agents, subcontractors, servants, employees, subsidiaries and related companies or entities, and all others acting in concert or participating with it or with actual notice of such order, are enjoined from:~~

~~(a) directly or indirectly using Ascentive's trademarks or terms confusingly similar to them in commerce, including but not limited to any use of Ascentive's trademarks in metadata;~~

~~(b) directly or indirectly using Ascentive's trademarks or terms confusingly similar to them in connection with any domain or subdomain owned by Defendants, including but not limited to any continuing use of the subdomains Ascentive.PissedConsumer.com and FinallyFast.PissedConsumer.com;~~

~~2. This ORDER will take affect upon the posting of a bond in the amount of \$ \_\_\_\_\_.~~

By the Court:

*S/ Leo Glasser*

THE HONORABLE I. LEO GLASSER

\* *Citibank v. Citicorp, 756 F.2d 273 (2d Cir 1985);*  
*Tough Traveler, Ltd. v. Outbound Products, 60 F.3d 964*  
*(2d Cir 1995); Weigher Watchers Int'l. Inc. v.*  
*Luiginon, 423 F.3d 137 (2d Cir 2005)*

*2:45 pm 11/24/10*